

PROSE-PR,STAYED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01671-KBJ

KOVALEVICH v. UNITED STATES DEPARTMENT OF
 JUSTICE EXECUTIVE OFFICE FOR UNITED STATES
 ATTORNEYS

Assigned to: Judge Ketanji Brown Jackson

Case: 1:18-cv-00610-KBJ

Cause: 05:552 Freedom of Information Act

Plaintiff

SEAN MICHAEL KOVALEVICH

Date Filed: 07/13/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **SEAN MICHAEL KOVALEVICH**

No. 39835

NORTH DAKOTA STATE

PENITENTIARY

P.O. Box 5521

Bismarck, ND 58506

PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT OF
 JUSTICE EXECUTIVE OFFICE FOR
 UNITED STATES ATTORNEYS**

represented by **Johnny Hillary Walker , III**

U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA

555 Fourth Street, NW

Washington, DC 20530

(202) 252-2575

Fax: (202) 252-2599

Email: johnny.walker@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Matthew Evan Kahn

U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA

555 Fourth Street, NW

Washington, DC 20530

(202) 252-6718

Email: matthew.kahn@usdoj.gov

TERMINATED: 09/27/2019

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/13/2018		Initiating Pleading & IFP Application Received on 7/13/18. A copy of the docket sheet has been mailed to the address of record for the pro se party. (zsth) (Entered: 07/17/2018)
07/13/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS filed by SEAN MICHAEL KOVALEVICH. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(zsth) (Entered: 07/17/2018)
07/13/2018	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by SEAN MICHAEL KOVALEVICH (Attachments: # <u>1</u> Supplement)(zsth) (Entered: 07/17/2018)

07/13/2018	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by SEAN MICHAEL KOVALEVICH (zsth) (Entered: 07/17/2018)
08/02/2018	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$60.02 from Prison Account of SEAN MICHAEL KOVALEVICH and granting MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Pro Se party has been notified by first class mail. Signed by Judge Rudolph Contreras on 07/31/2018. (zsb) (Entered: 08/07/2018)
08/02/2018		Case Assigned to Judge Ketanji Brown Jackson. (zsb) (Entered: 08/07/2018)
08/10/2018	<u>5</u>	SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, U.S. Attorney and U.S. Attorney General (zsb) (Entered: 08/10/2018)
09/10/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/10/2018. Answer due for ALL FEDERAL DEFENDANTS by 10/10/2018. (jf) (Entered: 09/12/2018)
09/21/2018	<u>7</u>	NOTICE of Appearance by Matthew Evan Kahn on behalf of UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Kahn, Matthew) (Entered: 09/21/2018)
10/04/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS served on 10/2/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/02/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/10/2018. (Answer due for ALL FEDERAL DEFENDANTS by 10/10/2018.) (jf) (Entered: 10/05/2018)
10/10/2018	<u>9</u>	ANSWER to <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS.(Kahn, Matthew) (Entered: 10/10/2018)
11/01/2018		MINUTE ORDER: On October 10, 2018, Defendant filed an Answer and Defenses in response to this prisoner action brought under the Freedom of Information Act (FOIA). Subsection (b) of Local Civil Rule 16.3 exempts prisoner actions and FOIA actions from the requirements of that rule and Federal Rules of Civil Procedure 16(b) and 26(f). Therefore, an Answer does little to advance the proceedings. On or before November 20, 2018, Defendant shall either file a dispositive motion or propose a schedule to govern these proceedings to completion. SO ORDERED. Signed by Judge Ketanji Brown Jackson on 11/1/18. (ah) (Entered: 11/01/2018)
11/01/2018		Set/Reset Deadlines: Dispositive Motions due by 11/20/2018. (gdf) (Entered: 11/06/2018)
11/13/2018	<u>10</u>	MOTION for Summary Judgment by SEAN MICHAEL KOVALEVICH (jf) (Entered: 11/15/2018)
11/20/2018	<u>11</u>	STATUS REPORT AND PROPOSED BRIEFING SCHEDULE by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Kahn, Matthew) (Entered: 11/20/2018)
11/29/2018	<u>12</u>	MOTION to Hold in Abeyance re <u>10</u> MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Kahn, Matthew) (Entered: 11/29/2018)
12/07/2018	<u>13</u>	ORDER denying <u>10</u> Plaintiff's Motion for Summary Judgment and <u>12</u> Defendant's Motion to Hold Plaintiff's Motion in Abeyance; setting briefing schedule (see document for details). Signed by Judge Ketanji Brown Jackson on 12/7/18.(ah) (Entered: 12/07/2018)
12/07/2018		Set/Reset Deadlines: Cross Motions due by 3/4/2019. Response to Cross Motions due by 3/22/2019. Reply to Cross Motions due by 4/8/2019. Summary Judgment motions due by 1/18/2019. Response to Motion for Summary Judgment due by 3/4/2019. Reply

		to Motion for Summary Judgment due by 3/22/2019. (gdf) (Entered: 12/10/2018)
12/14/2018	<u>14</u>	RESPONSE re <u>12</u> MOTION to Hold in Abeyance re <u>10</u> MOTION for Summary Judgment filed by SEAN MICHAEL KOVALEVICH. (Attachments: # <u>1</u> Text of Proposed Order)(jf) (Entered: 12/18/2018)
01/18/2019	<u>15</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/18/2019)
01/22/2019		MINUTE ORDER granting <u>15</u> Motion to Stay in light of lapse of appropriations. For good cause shown, it is hereby ORDERED that this case is STAYED. Counsel for Defendant shall notify the Court as soon as Congress has appropriated funds; at that point, the Court will enter an order resetting the applicable deadlines, which will be extended day-for-day with the duration of the lapse in appropriations. Signed by Judge Ketanji Brown Jackson on 1/22/2019. (lckbj1) (Entered: 01/22/2019)
02/01/2019	<u>16</u>	NOTICE of Restored Government Funding by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Kahn, Matthew) (Entered: 02/01/2019)
02/07/2019		MINUTE ORDER: In view of the Notice of Restored Government Funding, Defendant shall propose a revised briefing schedule on or before February 15, 2019. SO ORDERED. Signed by Judge Ketanji Brown Jackson on 2/7/19.(ah) (Entered: 02/07/2019)
02/07/2019		Set/Reset Deadlines: Briefing Schedule due by 2/15/2019. (gdf) (Entered: 02/07/2019)
02/15/2019	<u>17</u>	PROPOSED BRIEFING SCHEDULE re Order dated February 7, 2019 by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Kahn, Matthew) (Entered: 02/15/2019)
03/01/2019	<u>18</u>	ORDER revising briefing schedule (see document for details). Signed by Judge Ketanji Brown Jackson on 3/1/19.(ah) (Entered: 03/01/2019)
03/15/2019	<u>19</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Statement of Facts, # <u>5</u> Text of Proposed Order, # <u>6</u> Certificate of Service)(Kahn, Matthew) (Entered: 03/15/2019)
03/15/2019		NOTICE OF ERROR re <u>19</u> Motion for Summary Judgment; emailed to matthew.kahn@usdoj.gov, cc'd 1 associated attorneys — The PDF file you docketed contained errors: 1. Two-part docket entry, 2. Please refile document, 3. Memorandum in support using the "OPPOSITION" event. Modified on 3/15/2019 (zjf). (Entered: 03/15/2019)
03/18/2019	<u>20</u>	ERRATA by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS <u>19</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Kahn, Matthew) (Entered: 03/18/2019)
04/22/2019	<u>21</u>	Memorandum in opposition to re <u>19</u> MOTION for Summary Judgment filed by SEAN MICHAEL KOVALEVICH. (jf) (Entered: 04/24/2019)
04/22/2019	<u>22</u>	Cross MOTION for Summary Judgment by SEAN MICHAEL KOVALEVICH (jf) (Entered: 04/24/2019)
05/16/2019	<u>23</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Kahn, Matthew) (Entered: 05/16/2019)
05/16/2019	<u>24</u>	Memorandum in opposition to re <u>22</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Kahn, Matthew) (Entered: 05/16/2019)
09/16/2019	<u>25</u>	MOTION for Judgment on the Pleadings by SEAN MICHAEL KOVALEVICH (jf) (Entered: 09/19/2019)

09/27/2019	<u>26</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Johnny Hillary Walker, III on behalf of UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS Substituting for attorney Matthew Kahn (Attachments: # <u>1</u> Certificate of Service)(Walker, Johnny) (Entered: 09/27/2019)
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